REMARKS

The Examiner is thanked for the thorough examination of the present application and the indication that claims 9-18 contain allowable subject matter (Office Action, p. 2). The Office Action mailed April 11, 2007, however, tentatively rejected remaining claims 1-8. This is a full and timely response to that outstanding Office Action. Upon entry of the amendments in this response, claims 1-18 are pending. More specifically, claims 1 and 6 are amended. These amendments are specifically described hereinafter. Applicant appreciates the Examiner's time for the brief telephone call during which Examiner Miller indicated that if we add language that results in "programming the dispatch computer to determine the length...," that it will not require an additional search and an RCE.

I.   Present Status of Patent Application

Claims 1-8 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 5,636,122) in view of *Ray, et al,* (U.S. Patent No. 6,067,529). Claims 9-18 are allowed. These rejections are respectfully traversed.

II.   Examiner Interview

Applicant appreciates the Examiner's time for the brief telephone call on May 31, 2007 during which Examiner Miller indicated that if we add language that results in "programming the dispatch computer to determine the length...," that it will not require

an additional search and an RCE. Thus, Applicant respectfully requests that Examiner

Miller carefully consider this amendment and response.

III.   **Rejections Under 35 U.S.C. §103(a)**

A.   Claims 1-5

The Office Action rejects claims 1-5 under 35 U.S.C. §103(a) as allegedly being

unpatentable over *Shah, et al.* (U.S. Patent No. 5,636,122) in view of *Ray, et al,* (U.S.

Patent No. 6,067,529). For at least the reasons set forth below, Applicant respectfully

traverses the rejection.

Independent claim 1, as amended, recites:

1.   A method for dispatching work orders and receiving status information
concerning such orders via a communications network adapted to communicate short
message service ("SMS") messages, the method comprising:
  coupling a communication device to a dispatch computer, wherein the
    communication device is adapted to send and receive messages in a SMS
    format, and wherein the message includes status-type information;
  programming the dispatch computer to determine the length of the
    dispatch order and, based upon the determined length, to formulate
    the dispatch order into one SMS message or multiple, related SMS
    messages;
  reformatting the one or multiple SMS messages into at least one Internet packet;
    and
  forwarding the at least one Internet packet over the communications network to a
    selected communication device or a group of communication devices.
(Emphasis added).

Applicant respectfully submits that claim 1 patently defines over the cited art for at

least the reason that the cited art does not disclose the features emphasized above. For a

proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must

disclose, teach, or suggest all elements/features of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Shah* and *Ray* does not disclose, teach, or suggest at least **programming the dispatch computer to determine the length of the dispatch order and, based upon the determined length, to formulate the dispatch order into one SMS message or multiple, related SMS messages**. The Office Action provides that "the prior art does not disclose or fairly suggest 'programming the dispatch computer to: … determine the length of the new dispatch order and, based upon the determined length, formulate the new dispatch into one SMS message or multiple, related SMS messages.'" *See Office Action*, page 2. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 1, as the Office Action has provided, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claims 2-5 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-5 contain all the features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir.

1989). Therefore, the rejection to claims 2-5 should be withdrawn and the claims allowed.

B.   Claims 6-8

The Office Action rejects claims 6-8 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Shah, et al.* (U.S. Patent No. 5,636,122) in view of *Ray, et al,* (U.S. Patent No. 6,067,529). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 6, as amended, recites:

6.   A method for dispatching orders to service technicians remotely and receiving responsive information from such technicians concerning the orders via at least one wireless network adapted to transmit short messaging service ("SMS") messages to allow communication among a central processor and service technicians without making a wireless telephone call, the method comprising:

providing each service technician with a processor and a transceiver adapted to communicate via SMS messages;

programming a dispatch computer to periodically determine the length of a dispatch order and, based upon the determined length to formulate the dispatch order into one SMS message or multiple, related SMS messages for a selected service technician processor that provides that service technician the dispatch order, wherein the one or multiple SMS messages includes status-type information;

transmitting the one or multiple messages over the wireless network via a short messaging center coupled to a mobile switching center within the wireless network;

reformatting the one or multiple messages into at least one Internet packet; and transmitting the one or multiple messages over an IP network.

(Emphasis added).

Applicant respectfully submits that claim 6 patently defines over the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a

proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue.

Applicant respectfully submits that independent claim 6 is allowable for at least the reason that the combination of *Shah* and *Ray* does not disclose, teach, or suggest at least **programming a dispatch computer to periodically determine the length of a dispatch order and, based upon the determined length to formulate the dispatch order into one SMS message or multiple, related SMS messages**. The Office Action provides that "the prior art does not disclose or fairly suggest 'programming the dispatch computer to: … determine the length of the new dispatch order and, based upon the determined length, formulate the new dispatch into one SMS message or multiple, related SMS messages.'" *See Office Action*, page 2. As the cited combination of references does not disclose, teach, or suggest, either implicitly or explicitly, all the elements of claim 6, as the Office Action has provided, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 6 is allowable over the cited references of record, dependent claims 7 and 8 (which depend from independent claim 6) are allowable as a matter of law for at least the reason that dependent claims 7 and 8 contain all the features of independent claim 6. Therefore, the rejection to claims 7 and 8 should be withdrawn and the claims allowed.

IV.   **Miscellaneous Issues**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-18 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

_____
/BAB/
Benjamin A. Balser, Reg. No. 58,169

THOMAS, KAYDEN,
 HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500
Customer No.: 38823